

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LIANG WANG,

Plaintiff,

VS.

THE PHILHARMONIC SYMPHONY SOCIETY
OF NEW YORK, INC. and ASSOCIATED
MUSICIANS OF GREATER NEW YORK, LOCAL
802, AMERICAN FEDERATION OF MUSICIANS.

Defendants.

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Case No.
1:24-cv-03356 (AS) (RWL)
[Rel: Case No. 1:24-cv-03348 (AS)
(RWL)]
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DECLARATION OF SUSAN DAVIS

I, Susan Davis, under penalty of perjury and in lieu of affidavit as permitted by 28 U.S.C. § 1746, declare as follows:

1. I am an attorney in the law firm Cohen, Weiss and Simon LLP, which serves as counsel to Defendant Associated Musicians of Greater New York, Local 802, American Federation of Musicians (“Local 802”) in this case. I make this declaration in support of Local 802’s motion to dismiss the First Amended Complaint (“FAC”) pursuant to Federal Rule of Civil Procedure 12(b)(6).

2. Attached hereto as Exhibit A is a copy of the collective bargaining agreement between Local 802 and the Philharmonic-Symphony Society of New York, Inc. (the “Society”) with a term from September 21, 2020 to September 20, 2024 and the Memorandum of Understanding between Local 802 and the Society, executed on September 17, 2024 and ratified on September 21, 2024, which extended the terms of the collective bargaining agreement, as modified, for a term from September 21, 2024 to September 20, 2027. FAC ¶¶15, 85, 86.

3. Attached hereto as Exhibit B is a copy of the April 12, 2024 *Vulture* article entitled “A Hidden Sexual-Assault Scandal at the New York Philharmonic.” FAC ¶29.
4. Attached hereto as Exhibit C is a copy of the April 15, 2024 *New York Times* article concerning the *Vulture* piece and the Society’s investigation. FAC ¶¶38, 41, 43.
5. Attached hereto as Exhibit D is a copy of the April 18, 2024 public statement issued to the “New York Philharmonic Community” by the Society’s CEO. FAC. ¶46.
6. Attached hereto as Exhibit E is a copy of the April 19, 2024 letter from Plaintiff’s counsel to Local 802 and Local 802’s counsel. FAC ¶¶57, 161.
7. Attached hereto as Exhibit F is a copy of the April 26, 2024 letter from Local 802’s counsel to Plaintiff’s counsel. FAC ¶57.
8. Attached hereto as Exhibit G is a copy of the October 15, 2024 notice of non-reengagement issued to Plaintiff. FAC ¶90.
9. Attached hereto as Exhibit H is a copy of the Local 802 Executive Board’s November 4, 2024 decision. FAC ¶118.
10. Attached hereto as Exhibit I is a non-argumentative chart identifying the elements of Plaintiff’s claims that were not plausibly alleged, as required by this Court’s Individual Rule 8.G.i.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed at New York, New York this 9th day of June 2025.

/s/ Susan Davis
Susan Davis